

Introduced by Senator Oropeza

February 17, 2010

An act to amend Section 6126 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1066, as introduced, Oropeza. Corrections: Inspector General.

Existing law establishes the office of the Inspector General, and charges the Inspector General with various duties and responsibilities.

This bill would require the Inspector General to oversee and conduct periodic and random searches for cell phones of all employees entering all of the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation and to report to the Legislature quarterly regarding those searches, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6126 of the Penal Code is amended to
- 2 read:
- 3 6126. (a) (1) The Inspector General shall review departmental
- 4 policy and procedures, conduct audits of investigatory practices
- 5 and other audits, be responsible for contemporaneous oversight of
- 6 internal affairs investigations and the disciplinary process, and
- 7 conduct investigations of the Department of Corrections and
- 8 Rehabilitation, as requested by either the Secretary of the
- 9 Department of Corrections and Rehabilitation or a Member of the
- 10 Legislature, pursuant to the approval of the Inspector General

1 under policies to be developed by the Inspector General. The
2 Inspector General may, under policies developed by the Inspector
3 General, initiate an investigation or an audit on his or her own
4 accord.

5 (2) The Inspector General shall audit each warden of an
6 institution one year after his or her appointment, and shall audit
7 each correctional institution at least once every four years. Each
8 audit of a warden shall include, but not be limited to, issues relating
9 to personnel, training, investigations, and financial matters. Each
10 four-year audit shall include an assessment of the maintenance of
11 the facility managed by the warden. The audit report shall include
12 all significant findings of the Inspector General's assessment of
13 facility maintenance. These audit reports shall be provided to the
14 Legislature and shall be made public. The requirements of this
15 paragraph shall be phased in by the Inspector General so that they
16 are fully met by July 1, 2009.

17 (3) (A) *The Inspector General shall oversee and conduct*
18 *periodic and random searches for cell phones of all employees*
19 *entering all of the state prisons under the jurisdiction of the*
20 *Department of Corrections and Rehabilitation.*

21 (B) *The Inspector General shall, in consultation with the*
22 *Department of Corrections and Rehabilitation, provide a written*
23 *report to the Legislature quarterly, detailing the following:*

24 (i) *The names of the prisons where the searches took place.*

25 (ii) *The dates of the searches.*

26 (iii) *The shifts during which the searches took place.*

27 (iv) *The number of employees searched.*

28 (v) *The number of employees scheduled to work on those shifts.*

29 (vi) *The number of cell phones discovered.*

30 (vii) *Any other contraband that was discovered.*

31 *The report shall also contain a general comment section for use*
32 *by the Inspector General and the Department of Corrections and*
33 *Rehabilitation to discuss the issues they find relevant to the*
34 *searches.*

35 (b) Upon completion of an investigation or audit, the Inspector
36 General shall provide a response to the requester.

37 (c) The Inspector General shall, during the course of an
38 investigatory audit, identify areas of full and partial compliance,
39 or noncompliance, with departmental investigatory policies and
40 procedures, specify deficiencies in the completion and

1 documentation of investigatory processes, and recommend
2 corrective actions, including, but not limited to, additional training
3 with respect to investigative policies, additional policies, or changes
4 in policy, as well as any other findings or recommendations that
5 the Inspector General deems appropriate.

6 (d) The Inspector General, pursuant to Section 6126.6, shall
7 review the Governor's candidates for appointment to serve as
8 warden for the state's adult correctional institutions and as
9 superintendents for the state's juvenile facilities.

10 (e) The Inspector General shall, in consultation with the
11 Department of Finance, develop a methodology for producing a
12 workload budget to be used for annually adjusting the budget of
13 the Office of the Inspector General, beginning with the budget for
14 the 2005–06 fiscal year.